HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2128 OF 2007.

Mohd. Parvez Zulfiqar Zuresh. ..Petitioner.
Versus.
The Stae of Maharashtra & others. ..Respondents.

Ms. Farhana Shah for the petitioner.
Ms. P. H. Kantharia APP for the State.

CORAM: S. B. MHASE &
SMT. V.K.TAHILRAMANI,JJ.
DATE: NOVEMBER 21, 2007.

P.C.

1. Heard. The furlough application of the petitioner has been rejected by the respondent and therefore the present petition has been filed.

2. Learned counsel for the petitioner states that petitioner was an undertrial prisoner and is convicted under the TADA Act in a Bombay Bomb Blast case for life imprisonment. She further submits that if the undertrial period of the petitioner is taken into consideration under section 428 of the Code of Criminal Procedure, 1973 he has undergone the sentence for a period of approximately 10 years. She further submits that in view of the fact that there is a marriage in the family of the petitioner, i.e., the marriage of the younger brother of the petitioner, petitioner be released on furlough. Looking to the fact that the petitioner is an accused in the sensational case known as the Bombay Bomb Blast case wherein he is convicted for life and also to the fact

that even though he has been fined to pay fine of Rs.50,000/- he has not paid that amount, we are not inclined to entertain the petition for furlough.

3. We also considered the ground of marriage of the younger brother of the petitioner. We have been shown the report/ Statement made by the Police Constable Subhash Shantaram Lad wherein he has stated that the place where the marriage is to be celebrated is very congested one and there is a nalla adjoining to that place. It is a slum area and also the slaughter houses are located in the vicinity. Therefore, the apprehension has been expressed that if the petitioner is granted bail and/or permission to attend the marriage on escort by police, the petitioner is likely to abscond. It is further submitted by the learned APP that situation during the trial was different, namely, there was a hope of acquittal, therefore the petitioner must have surrendered on time after bail and now the situation is changed, the petitioner is convicted and possibility cannot be ruled out that he may abscond. In our view, looking to all these circumstances rejection of the furlough by the authorities is justified and we refrain to entertain the petition. In the result, petition is rejected.

(SMT. V.K.TAHILRAMANI,J.) (S.B.MHASE, J.)